

MEMORANDUM FOR: Chief, Legislative Division, OLL

FROM:

Director of Security

SUBJECT: Draft Justice Views Letter on S. 1301

REFERENCE: OLL Memorandum (OLL 85-1841), dtd 26 Jun 85,  
Subject: Request for Comments: Draft Justice  
Views Letter on S. 1301

The Office of Security agrees with your suggestion that Agency objections to the Department of Justice (DOJ) comments concerning the use of polygraph could most easily be removed by deleting the material up to the sentence which begins "We believe that a simple provision ...." Legal problems with the use of polygraph as cited in the DOJ comments are real but they have not prevented the CIA and NSA from making effective use of the polygraph in screening applicants for and holders of sensitive security approvals. It is the Office of Security's view that access to classified information is not a right guaranteed by the Constitution and that denial of access to classified information, whether based on a polygraph examination or other investigative means, is not a denial of Constitutional rights. The DOJ comment that the results of polygraph examinations cannot be used in criminal proceedings seems misplaced in this context because the intent of the bill is to use polygraph for screening, not criminal procedures.

OS/P&M/PPG (27 Jun 85)

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